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**TITLE 312 NATURAL RESOURCES COMMISSION**

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**Final Rule**

LSA Document #12-218(F)

**DIGEST**

Amends [312 IAC 8-1-3](#), [312 IAC 8-2-3](#), [312 IAC 8-2-4](#), and [312 IAC 8-2-10](#), which governs the use of DNR properties, to address the management of nature preserves and other properties managed by the Division of Nature Preserves, to require written consent of the fee owner before the Commission may establish fees, entrance and exit sites, authorize hunting, or similar other conditions on usage for dedicated nature preserves that are not owned by the state of Indiana, to clarify that restrictions on public use of a nature preserve apply to properties owned by the state of Indiana and managed by the Division of Nature Preserves but not yet dedicated as a nature preserve, and to make other technical changes. Effective January 2, 2013.

[312 IAC 8-1-3](#); [312 IAC 8-2-3](#); [312 IAC 8-2-4](#); [312 IAC 8-2-10](#)

SECTION 1. [312 IAC 8-1-3](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 8-1-3](#) Entrance and use requirements; firewood**

**Authority:** [IC 14-10-2-4](#); [IC 14-11-2-1](#)

**Affected:** [IC 14-31-1](#)

Sec. 3. (a) The commission may, in a master plan or by resolution, establish any of the following:

(1) Fees for:

- (A) entrance into a DNR property; or
- (B) a particular use within a DNR property.

(2) Entrance and exit sites for a DNR property.

(3) Conditions upon or prohibitions against particular uses within a DNR property or a portion of a DNR property.

(b) In addition to any requirement established under subsection (a), a person may bring firewood into or possess firewood on a DNR property only if the firewood is one (1) of the following:

(1) Bundled and accompanied by a federal compliance stamp issued by the United States Department of Agriculture, Animal and Plant Health Inspection Service (APHIS).

(2) Bundled and accompanied by a state compliance stamp issued by the department's division of entomology to the firewood vendor from whom the wood was purchased.

(3) Inspected and certified by the department's division of entomology and plant pathology and transported for sale or distribution into a DNR property by either of the following:

(A) A state-certified concessionaire.

(B) The department.

(4) Consisting of kiln-dried construction lumber.

(5) Consisting of logs, timber, or another part of a tree with all bark removed.

(c) The following definitions apply throughout this section:

(1) "Firewood" means kindling, logs, boards, lumber, timber, and any part of a tree that is in a form and size appropriate for use as fuel. Logs cut into lengths at least four and one-half (4 1/2) feet long are not firewood.

(2) "Kiln-dried construction lumber" means processed boards cut and dried to remove all bark.

**(d) For a nature preserve dedicated under [IC 14-31-1](#), if the fee owner is other than the state of Indiana, the department must obtain written consent from the fee owner before the commission establishes a requirement under subsection (a).**

*(Natural Resources Commission; [312 IAC 8-1-3](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 738, eff Jan 1, 1999;*

*readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.:*

*[20100421-IR-312100037RFA](#); filed Feb 16, 2012, 11:34 a.m.: [20120314-IR-312110421FRA](#); filed Nov 5, 2012,*

*2:30 p.m.: [20121205-IR-312120218FRA](#), eff Jan 2, 2013)*

SECTION 2. [312 IAC 8-2-3](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 8-2-3](#) Firearms, hunting, and trapping Version b**

**Authority:** [IC 14-10-2-4](#); [IC 14-11-2-1](#); [IC 14-22-2-6](#)

**Affected:** [IC 14-22-11-1](#); [IC 35-47-2](#)

Sec. 3. (a) A person must not possess a firearm or bow and arrows on a DNR property unless one (1) of the following conditions apply:

- (1) The firearm or bow and arrows are:
  - (A) unloaded and uncocked; and
  - (B) placed in a case or locked within a vehicle.
- (2) The firearm or bow and arrows are possessed at, and of a type designated for usage on:
  - (A) a rifle;
  - (B) a pistol;
  - (C) a shotgun; or
  - (D) an archery;range.
- (3) The firearm or bow and arrows are being used in the lawful pursuit of either of the following:
  - (A) A wild animal on a DNR property authorized for that purpose.
  - (B) A groundhog as authorized under a license.
- (4) The person possesses a handgun on a DNR property other than a reservoir owned by the U.S. Army Corps of Engineers or Falls of the Ohio State Park:
  - (A) with a valid unlimited license to carry a handgun:
    - (i) issued under [IC 35-47-2-3](#); or
    - (ii) recognized under [IC 35-47-2-21](#)(b); or
  - (B) pursuant to an exemption to handgun licensure requirements as authorized under [IC 35-47-2-2](#).

(b) Except as provided in subsection (a)(1) or (a)(4), a firearm or bow and arrows may not be possessed on DNR properties within any of the following:

- (1) A nature preserve **or another property administered by the division of nature preserves** unless hunting is authorized under subsection (d).
- (2) A property administered by the division of state museums and historic sites.
- (3) A campground.
- (4) A picnic area.
- (5) A beach.
- (6) A service area.
- (7) A headquarters building.
- (8) A hunter check station.
- (9) A developed recreation site.

(c) A person must not discharge a firearm or bow and arrows on a DNR property except as follows:

- (1) As authorized for a law enforcement officer.
- (2) In the lawful defense of persons or property.
- (3) Under a department permit that authorizes the discharge.
- (4) As authorized at a shooting range.
- (5) In the lawful pursuit of wild animals. The exception provided in this subdivision does not apply within two hundred (200) feet of any of the following:
  - (A) A campsite.
  - (B) A boat dock.
  - (C) A launching ramp.
  - (D) A picnic area.
  - (E) A bridge.

(d) A person may hunt on the following DNR properties:

- (1) A state forest administered by the division of forestry, including a portion of a state forest that is a nature preserve.
- (2) A reservoir property administered by the division of state parks and reservoirs.

(3) A wildlife area administered by the division of fish and wildlife, including a portion of a wildlife area that is a nature preserve.

(4) A nature preserve ~~not otherwise approved for hunting under this subsection~~ **or another property administered by the division of nature preserves**, if approved in a written authorization by:

(A) the director of the division of nature preserves; **and**

(B) the owner of the nature preserve, if the owner is other than the state of Indiana.

(e) A person hunting on any of the areas described in subsection (d) must do the following:

(1) Comply with all federal and state:

(A) hunting;

(B) trapping; and

(C) firearms;

laws.

(2) On a fish and wildlife area and a reservoir property, obtain a one (1) day hunting permit and record from a checking station. The person must:

(A) retain the permit and record card while in the field for the authorized date; and

(B) as directed, return them to the department.

(3) Refrain from hunting on a nature preserve if prohibited by signage posted at the site.

(f) Unless otherwise posted or designated on a property map, a person must not place a trap except as authorized by a license issued for a property by an authorized representative. This license is in addition to the licensing requirement for traps set forth in [IC 14-22-11-1](#).

(g) A person must not run dogs, except:

(1) during the lawful pursuit of wild animals; or

(2) as authorized by a license for field trials or in a designated training area.

A property administered by the division of fish and wildlife may be designated for training purposes without requiring a field trial permit. Only dogs may be used during field trials on a DNR property, except where authorized by a license on a fish and wildlife property.

(h) A person must not construct or place a tree blind or other hunting blind except under [312 IAC 9-3-3](#) and [312 IAC 9-4-2](#).

(i) The following terms apply to the use of shooting ranges:

(1) A person must not use a shooting range unless the person is:

(A) at least eighteen (18) years of age; or

(B) accompanied by a person who is at least eighteen (18) years of age.

(2) A person must:

(A) register with the department; and

(B) pay any applicable fees;

before using a shooting range.

(3) Except as otherwise provided in this subdivision, a person must shoot only at paper targets placed on target holders provided by the department. An authorized representative may approve the use of alternative targets on a supervised shooting range if the department determines a hazard to public safety would not result.

(4) A person must fire downrange and take reasonable care to assure any projectile is stopped by the range backstop.

(5) Shot not larger than size 6 must be used on a shotgun range.

(6) A person must not:

(A) discharge a firearm using automatic fire;

(B) use tracer, armor-piercing, or incendiary rounds;

(C) play on, climb on, walk on, or shoot into or from the side berms; or

(D) shoot at clay pigeons, except on a site designated for shooting clay pigeons.

Glass and other forms of breakable targets must not be used on a shooting range.

(7) A person must dispose of the targets used by the person under section 2(a) of this rule.

(8) Permission must be obtained from the department in advance for a shooting event that involves any of the following:

(A) An entry fee.

(B) Competition for any of the following:

- (i) Cash.
- (ii) Awards.
- (iii) Trophies.
- (iv) Citations.
- (v) Prizes.

(C) The exclusive use of the range or facilities.

(D) A portion of the event occurring between sunset and sunrise.

(9) On a field course, signs and markers must be staked. Trees must not be marked or damaged.

(j) A person must not take a reptile or amphibian unless the person is issued a scientific purposes license under [312 IAC 9-10-6](#). Exempted from this subsection are:

- (1) eastern snapping turtles;
- (2) smooth softshell turtles;
- (3) spiny softshell turtles;
- (4) bullfrogs; and
- (5) green frogs;

taken under [312 IAC 9-5-6](#) from a DNR property where hunting or fishing is authorized.

(k) A person must not possess lead shot while hunting mourning doves on a DNR property.

*(Natural Resources Commission; [312 IAC 8-2-3](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 739, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 553, eff Jan 1, 2000; filed Jun 17, 2002, 4:13 p.m.: 25 IR 3714; filed Sep 19, 2003, 8:14 a.m.: 27 IR 456; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; filed Sep 14, 2005, 2:45 p.m.: 29 IR 461, eff Jan 1, 2006; filed Jul 11, 2006, 9:04 a.m.: [20060802-IR-312060009FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#); filed Mar 11, 2008, 9:34 a.m.: [20080409-IR-312070449FRA](#); filed Mar 12, 2010, 1:25 p.m.: [20100407-IR-312090470FRA](#), eff Jan 1, 2011; readopted filed Mar 25, 2010, 2:58 p.m.: [20100421-IR-312100037RFA](#); filed Feb 6, 2012, 3:07 p.m.: [20120307-IR-312110442FRA](#), eff Jan 1, 2013; filed Nov 5, 2012, 2:30 p.m.: [20121205-IR-312120218FRA](#), eff Jan 2, 2013)*

SECTION 3. [312 IAC 8-2-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[312 IAC 8-2-4](#) Fishing**

**Authority:** [IC 14-10-2-4](#); [IC 14-11-2-1](#)

**Affected:** [IC 14-22-11-1](#); [IC 14-31-1](#)

Sec. 4. (a) A person must comply with all federal and state fishing laws.

(b) Except on the waters of a reservoir property administered by the division of state parks and reservoirs, a person who is on a waterway must not:

- (1) clean or process fish; or
- (2) possess fish that have been cleaned or processed.

(c) A person must not fish in a nature preserve dedicated under [IC 14-31-1](#) or another property administered by the division of nature preserves, except as follows:

- (1) At a site posted to authorize fishing.
- (2) From a boat in a river, stream, or lake where access to the waterway was lawfully obtained outside the nature preserve.
- (3) In a nature preserve that is also a fish and wildlife area.

*(Natural Resources Commission; [312 IAC 8-2-4](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 740, eff Jan 1, 1999; filed Nov 5, 1999, 10:14 a.m.: 23 IR 554, eff Jan 1, 2000; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; errata filed Jun 2, 2009, 10:29 a.m.: [20090624-IR-312090386ACA](#); readopted filed Mar 25, 2010, 2:58 p.m.: [20100421-IR-312100037RFA](#); filed Nov 5, 2012, 2:30 p.m.: [20121205-IR-312120218FRA](#), eff Jan 2, 2013)*

SECTION 4. [312 IAC 8-2-10](#) IS AMENDED TO READ AS FOLLOWS:

#### **[312 IAC 8-2-10](#) Preservation of habitat and natural and cultural resources**

Sec. 10. Except as authorized by a license, a person must not do any of the following within a DNR property:

- (1) Molest an animal den or bird nest.
- (2) Collect any wild animal, except as authorized by section 3 or 4 of this rule.
- (3) Damage or collect a plant or pick flowers. Exempted from this subdivision are the following:
  - (A) Berries.
  - (B) Fruits.
  - (C) Nuts.
  - (D) Fallen cones.
  - (E) Mushrooms.
  - (F) Leaves.
  - (G) Greens.
- (4) Pick berries, fruits, nuts, fallen cones, mushrooms, leaves, or greens on a nature preserve, **or another property administered by the division of nature preserves**, unless the ~~nature preserve~~ **property** is located at any of the following:
  - (A) **A** state park.
  - (B) **A** reservoir property.
  - (C) **A** fish and wildlife area.
  - (D) **A** state forest.
- (5) Damage, interfere with, or remove:
  - (A) a work of art;
  - (B) an artifact;
  - (C) a rock or mineral;
  - (D) a shipwreck;
  - (E) an archeological site;
  - (F) a historic site;
  - (G) a building; or
  - (H) a sign.
- (6) Place or maintain a:
  - (A) structure;
  - (B) device;
  - (C) dock;
  - (D) buoy;
  - (E) ramp; or
  - (F) sign.
- (7) Use a metal detector, except on a sand, swimming beach as approved by an authorized representative.
- (8) Rock climb or rappel.
- (9) Collect firewood on a state park.
- (10) Dig or excavate any material from the ground.
- (11) Regardless of whether taken lawfully, sell any material taken from a DNR property. Exempted from this subdivision are materials taken under a license issued by the department that specifically authorizes the sale of the material.

(Natural Resources Commission; [312 IAC 8-2-10](#); filed Oct 28, 1998, 3:32 p.m.: 22 IR 742, eff Jan 1, 1999; readopted filed Nov 17, 2004, 11:00 a.m.: 28 IR 1315; readopted filed Mar 25, 2010, 2:58 p.m.: [20100421-IR-312100037RFA](#); filed Nov 5, 2012, 2:30 p.m.: [20121205-IR-312120218FRA](#), eff Jan 2, 2013)

SECTION 5. SECTIONS 1 through 4 of this document take effect January 2, 2013.

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